

ORIGINAL

Approved: Alison G. Moë
 ALISON G. MOE
 Assistant United States Attorney

DOC # _____

Before: THE HONORABLE KEVIN N. FOX
 United States Magistrate Judge
 Southern District of New York

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UNITED STATES OF AMERICA	:	SEALED
	:	Violation of
- v. -	:	18 U.S.C. § 1708
	:	
SHAYLIN LEWIS,	:	
	:	COUNTY OF OFFENSE:
	:	MANHATTAN
Defendant.	:	
	:	
----- X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL LAWSHE, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE

(Theft and Receipt of Stolen Mail Matter)

1. On or about September 6, 2016, in the Southern District of New York, SHAYLIN LEWIS, the defendant, knowingly did steal, take, and abstract, and by fraud and deception did obtain, and attempt so to obtain, from and out of mail, post offices, and stations thereof, letter boxes, mail receptacles, and mail routes and other authorized depositories for mail matter, and from letters and mail carriers, letters, postal cards, packages, bags, and mail, and did abstract and remove from such letters, packages, bags, and mail, articles and things contained therein, and did secrete, embezzle, and destroy such letters, postal cards, packages, bags, and mail, and articles and things contained therein, and did steal, take, and abstract, and by fraud and deception did obtain, letters, postal cards, packages, bags, and mail, and articles and things contained therein which had been left for collection upon and adjacent to collection boxes and other authorized depositories of mail matter, and did buy, receive, and conceal, and unlawfully did

have in his possession, letters, postal cards, packages, bags, and mail, and articles and things contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, LEWIS stole and received a tub filled with mail out of a United States mail box.

(Title 18, United States Code, Section 1708.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a United States Postal Inspector. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. On or about September 6, 2016, in response to a string of reported thefts from mailboxes in lower Manhattan, within zip code 10002, I and other Postal Inspectors conducted surveillance of mailboxes in the vicinity of Essex Street and Stanton Street, New York, New York. In the course of our surveillance, I observed a man in a postal employee uniform and cap ("Subject-1") approach a mailbox, use a mail key, and remove a tub of mail. As Subject-1 walked away from the mailbox, I and other law enforcement officers followed him.

4. When Subject-1 did not approach either a letter-carrier's cart or a postal vehicle, as a letter carrier typically would do upon retrieving a tub of mail, I suspected that Subject-1 might be impersonating a postal employee in order to steal mail. Together with the other postal inspectors, I began to approach Subject-1, who promptly fled on foot. The Inspectors and I pursued Subject-1 by foot. Subject-1 ultimately fled into a subway station, jumped a turnstile, hopped onto subway tracks, and fled down a subway tunnel.

5. Although Subject-1 was not apprehended by law enforcement officers at that time, a USPS letter carrier's blouse (the "USPS Blouse") and cap (the "USPS Cap") were

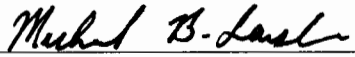
recovered from a trash can in the subway near where Subject-1 fled. Based on my personal observations of Subject-1 during the foot chase, the blouse and cap appear to be the same ones that Subject-1 was wearing. It therefore appears that Subject-1 abandoned these items while fleeing law enforcement. The USPS Cap and USPS Blouse were submitted to a DNA laboratory for analysis.

6. On or about September 22, 2016, I met with an investigator ("Investigator-1") at the Manhattan District Attorney's Office, together with one of the Postal Inspectors ("PI-1") who participated in the September 6, 2016 surveillance and foot chase. The purpose of the meeting was to discuss the string of mail thefts from zip code 10002, and to consult with Investigator-1 based on his experience and participation in recent mail theft investigations in Manhattan. After I described the September 6, 2016 incident, Investigator-1 separated me from PI-1 and showed me a six-photograph array. After reviewing the photographs, I determined that one of the individuals depicted in the photo-array appeared to be Subject-1. Investigator-1 then told me that the person I identified was SHAYLIN LEWIS, the defendant.

7. After the photo identification procedure was completed, I learned that PI-1 had separately been shown a six-photo array and had also selected SHAYLIN LEWIS, the defendant.


8. On or about March 21, 2017, the Honorable Henry B. Pitman signed a search warrant authorizing law enforcement agents to obtain DNA samples from SHAYLIN LEWIS, the defendant, by taking cheek swabs. I subsequently obtained cheek swab samples from LEWIS and requested a laboratory comparison of any DNA recovered from the USPS Cap and the DNA contained on the cheek swabs obtained from LEWIS. Based on my review of laboratory reports, I have learned that DNA suitable for comparison was recovered from the USPS Cap, and that the DNA on the USPS Cap matched the DNA contained on the cheek swabs from LEWIS. Specifically, the laboratory examiner concluded that "the DNA profile obtained from Shaylin Lewis (Item 2) matches the major male DNA profile obtained from the cap cutting (Item 1.2). The probability of selecting an unrelated individual at random having an STR profile matching the major male DNA profile is approximately 1 in 830 quintillion (10^{18})."

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of SHAYLIN LEWIS, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



MICHAEL LAWSHE
Postal Inspector
United States Postal Inspection
Service

Sworn to before me this
29th day of June, 2017



THE HONORABLE KEVIN N. FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK